

CENWS-OD-RG

Effective Date: 13 November 1997
Expiration Date: 13 November 2002

REISSUED

DEPARTMENT OF THE ARMY
REGIONAL PERMIT
071-OYB-1-003738
LAKE CHELAN

This Regional Permit is for the:

Performance of work in or affecting navigable waters upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403); the general public is hereby given authority by the Secretary of the Army to:

1. Install floats with or without access ramps for private use fronting private properties.
2. Construct small piers for private use fronting private properties

in Lake Chelan, Chelan County, Washington (Southeast of Deer Point) subject to the following conditions:

I. Special Conditions

1. For all the work described in this Regional Permit, separate State and local approvals and/or permits may be required. This Regional Permit only satisfied Federal law and does not satisfy State and local requirements including leasing of the submerged lands, zoning, building, hydraulic, shoreline management or other required permits. The work is authorized only after final approval has been obtained from the State and applicable local government.

2. No activity which may affect Historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer (DE) has complied with the provisions of 33 CFR 325, Appendix C. The prospective permittee must notify the DE if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing the National Register of Historic Places, and shall not begin the activity until notified by the DE that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. The permittee shall immediately notify the District Engineer if, during prosecution of the work authorized, he encounters an historic property that has not been listed or determined eligible for listing on the National Register, but which the prospective permittee has reason to believe may be eligible for listing on the National Register.
3. This Regional Permit is applicable only to activities which are performed in accordance with the State laws and local government's Shoreline Management Master Program, building codes and zoning ordinances.
4. The permittee shall notify the Chelan County Public Utility District No. 1 of the proposed work prior to commencement of such work. No substantial alternatives may be undertaken by the permittee or others along the Lake Chelan shoreline within the project boundaries of Project No. 637, licensed to Chelan County Public Utility District No. 1, without prior approval of the Federal Power Commission.
5. All Activities in Lake Chelan not covered by this Regional Permit require authorization by separate Department of the Army permits.
6. This Regional Permit reissuance shall become effective upon signature of the District Engineer. The expiration date of this reissued Regional Permit shall be 5 years from the effective date of the Regional Permit, unless specifically extended by the Seattle District.
7. This Regional Permit may be revoked by issuance of a public notice at any time the District Engineer determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this Regional Permit will be processed as individual permits.

8. The permittee, upon notice of revocation of this Regional Permit, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
9. If the District Engineer determines that a specific structure installed under this Regional Permit is interfering with navigation, the permittee shall, without expense to the United States and in such time and manner as the District Engineer may direct, restore the waterbody to its former condition. If the permittee fails to comply with the direction of the District Engineer, the District Engineer may restore the waterbody to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
10. The permittee hereby recognizes the possibility that the boat installation permitted herein may be subject to damage by wave action from passing vessels or flooding. The permittee shall not hold the United States liable for any such damage. The issuance of this Regional Permit does not relieve the permittee from taking all proper steps to ensure:
 - a. The integrity of the structure permitted herein.
 - b. The safety of boats moored thereto from damage by wave wash.
11. The permittee shall not hold the Federal, State, county, or city government responsible for the maintenance of the bottom or beach line location.
12. The permittee must have the legal right to use and occupy the affecting submerged land. A lease of the submerged land may be required from the Washington State Department of Natural Resources.
13. No structure permitted herein shall be installed in such a way that it would restrict movement of vessels using existing facilities.
14. Work in navigable water will be done in such a manner as to minimize turbidity which tends to degrade water quality and damage aquatic life.
15. No structure permitted herein shall be installed in or adjacent to a wetland or within 100 feet of either side of the mouth of any river, stream, or creek. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to

support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

16. Dredging or placement of fill is not authorized in conjunction with the installation of any structure authorized by this Regional Permit.
17. All construction debris will be disposed of in such a manner that it cannot enter navigable water.
18. a. Lumber treated with preservatives will be completely dry before use near navigable waters.
18. b. Piling or lumber treated with preservatives, especially creosote or penta (pentachlorophenol, or PCP) shall not be installed below the plane of ordinary high water.
19. Ordinary high water for Lake Chelan hereafter means 1100 feet above the National Geodetic Vertical Datum of 1929.
20. **Floats, small piers, and access ramps:**
 - a. This permit authorizes only one pier or float, including an access ramp if necessary, contiguous to the shoreline per upland private property ownership. This property must be adjacent to the navigable water.
 - b. For water depths greater than 12 feet below the plane of ordinary high water, piers and floats shall not extend more than 40 feet waterward of the ordinary high water line. Floats may be held in place by piling or anchors.
 - c. Total deck area waterward of the ordinary high water line, including existing structures, shall not exceed 320 square feet for each upland private property.
 - d. Only open pile pier construction is authorized. Piling shall be structurally sound.
 - e. No pile driving, timber or concrete is authorized by this Regional Permit except during the period from 1 April through 30 October for the protection of the bald eagle and/or during other time periods specified by the joint approval from the Washington State Departments of Fisheries and Wildlife.
 - f. No other structures such as living quarters, toilets, fueling facilities, or covered boat moorages shall be constructed or installed on any pier or float.

- g. This Regional Permit authorizes joint-use private piers and floats constructed by more than one private property ownership, or by a home owner's association proprietorship.
 - h. Total deck area waterward of the ordinary high water line, including existing structures, shall not exceed 640 square feet for joint-use properties.
 - i. Joint-use properties shall be adjacent to the waterway.
 - j. All affected joint-use property owners must sign a legal agreement to construct a joint-use pier or install floats.
- 21. To be authorized under this Regional Permit, the permittee must submit to the Seattle District Engineer within 10 days after substantial completion of the work within the navigable waters of the United States, the following information:
 - a. Regional Permit number
 - b. Name of property owner or lessee; mailing address; telephone
 - c. Name of contractor; mailing address; telephone
 - d. Description of the work and a drawing (on an 8 ½ by 11 inch paper)
 - e. Address where structure exists, including section, township, range, latitude, longitude, street address, city, county, and State
 - f. Name of bay or cove, if applicable
 - g. Local government
 - h. Date structure was substantially completed
 - i. A copy of valid written approval from the Washington State Departments of Fisheries and Wildlife
 - j. Statement of Compliance with all conditions of this Regional Permit
 - k. Signature and date

The information shall be submitted in the format identified in Appendix B.

NOTE: Sketches of typical installations are furnished for general information in Appendix A.

22. The Statement of Compliance form will be reviewed in light of the special and general conditions of this Regional Permit. Each facility may be inspected during our field inspection of Lake Chelan. Work that is not in compliance with the conditions of this Regional Permit may be referred to the United States Attorney for possible legal action.
23. Continued failure by the general public to comply with the conditions of this Regional Permit may result in having the Seattle District Engineer revoke this Regional Permit.

II. General Conditions:

1. That all activities identified and authorized herein shall be consistent with the terms and conditions of this Regional Permit; any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this Regional Permit and may result in the modification, suspension, or revocation of this Regional Permit, in whole or in part.
2. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
3. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.
4. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Regional Permit is in accordance with the terms and conditions prescribed herein.
5. That the permittee shall maintain the structure or work authorized herein in good condition.
6. That this Regional Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property, invasion of rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

7. That this Regional Permit does not authorize the interference with any existing or proposed Federal project, and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
8. That this Regional Permit may be either modified, suspended, or revoked, in whole or in part, if the Secretary of the Army or his authorized representative determines that activities identified and authorized within the terms or conditions of this Regional Permit are not in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after issuance of public notice of such action. Within this 30-day period, permittees may request a public hearing to be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend, or revoke this Regional Permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.
9. That any modification, suspension, or revocation of this Regional Permit shall not be the basis for any claim for damages against the United States.
10. That any attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this Regional Permit.
11. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
12. That this Regional Permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.
13. That if and when the permittee desires to abandon the activity authorized herein, he must restore the area to a condition satisfactory to the District Engineer.
14. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

15. The word “permittee” shall include such permittee’s successors in interest.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Date

James M. Rigsby
Colonel, Corps of Engineers
District Engineer

APPENDIX B

Submit Completed Form To:

U.S. Army Corps of Engineers
Regulatory Branch
Enforcement Section
P.O. Box 3755
Seattle, WA 98124-3755

STATEMENT OF COMPLIANCE

**REGIONAL PERMIT
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LAKE CHELAN**

1. Name of property owner or lessee; mailing address; telephone number
2. Name of contractor; mailing address; telephone number
3. Description of the work and a drawing (on 8 ½ by 11 inch paper)
4. Street Address _____
Section _____ Township _____ Range _____
Latitude _____ Longitude _____
City/County _____, Washington State
5. Name of bay or cove, if applicable: _____
6. Local government: _____
7. Date structure was substantially completed: _____
8. A copy of valid written approval from the Washington State Departments of Fisheries and Wildlife

I certify that I have complied with all of the conditions of this Regional Permit.

Signature of Permittee

Date